

**REMARKS**

Claims 1-3, 8-10 and 15-17 remain pending in the application, with claims 1, 8 and 15 being the independent claims. Claims 1-3, 8-10 and 15-17 are sought to be amended. Claims 4-7, 11-14 and 18-21 are sought to be cancelled without prejudice or disclaimer. Entry and consideration of this amendment is respectfully requested. No new matter is believed to have been introduced by this amendment.

**Objection to the Specification**

The Examiner has objected to the Applicants' Specification for lack of providing sections entitled "Field of the Invention" and "Brief Summary of Invention."

Applicants assert that these sections are not required and merely suggested by the Code of Federal Regulations, Title 37 as illustrated below.

37 CFR 1.73 recites:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed. (emphasis added)

37 CFR 1.77(b) recites:

(b) The specification should include the following sections in order:

- (1) Title of the invention, which may be accompanied by an introductory portion stating the name, citizenship, and residence of the applicant (unless included in the application data sheet).
- (2) Cross-reference to related applications (unless included in

the application data sheet).

(3) Statement regarding federally sponsored research or development.

(4) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on a compact disc and an incorporation-by-reference of the material on the compact disc (see § 1.52(e)(5)). The total number of compact discs including duplicates and the files on each compact disc shall be specified.

(5) Background of the invention.

(6) Brief summary of the invention.

(7) Brief description of the several views of the drawing.

(8) Detailed description of the invention.

(9) A claim or claims.

(10) Abstract of the disclosure.

(11) "Sequence Listing," if on paper (emphasis added)

Applicants hereby respectfully point out that the language in 37 CFR 1.73 and in 37 CFR 1.77(b), namely the recitation of the use of "should" and the phrase "when set forth", is merely suggestive in nature and not mandatory. As a result, it is believed there is no legal basis upon which to require a patent applicant to provide "Field of the Invention" and "Brief Summary of the Invention" sections in a patent application or to require an applicant to amend the patent application to include such sections.

As the Federal Courts have noted, it is "important to note that the language of § 1.73 is not mandatory (ie. 'should' as opposed to 'must')." Fox Industries, Inc. v. Structural Preservation Sys., 6 U.S.P.Q.2D (BNA) 1577 (1988)

Applicants therefore assert that "Background of the Invention" and "Brief Summary of the Invention" sections are not required and that the objection and any requirement related thereto must be withdrawn.

### **Rejections under 35 U.S.C. § 101**

Claims 1-21 are rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claims 4-7, 11-14 and 18-21 have been cancelled. Claims 1-3 have been

amended to recite a system that includes a peripheral component interconnect device (PCID), a processor, a memory coupled to the processor, and a data structure stored in the memory. Claims 8-10 have been amended to recite a computer-implemented method. Claims 15-17 have been amended to recite a tangible machine-readable storage medium. Applicants believe that these amendments to the pending claims address the Examiner's rejection under 35 U.S.C. § 101. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-5, 8-12 and 15-19 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application No. 2003/0005207 A1 (hereinafter referred to as "Langendorf"). Claims 6, 7, 13, 14, 20 and 21 are rejected under 35 U.S.C. § 103(a) over Langendorf in view of "The silicon gaming Odyssey slot machine", 1997, IEEE, Pages 296-301 (hereinafter referred to as "Levinthal"). Claims 4-7, 11-14 and 18-21 have been cancelled. Applicants respectfully traverse these rejections with regard to the pending claims 1-3, 8-10 and 15-17 for the following reasons.

Independent claims 1, 8 and 15 have been amended to further include features of: wherein the data structure includes a root structure of a virtual machine (VM) ID array, wherein each element of the VM ID array represents an unique VM, wherein each element of the VM ID array has an associated set of VPCID instances, wherein each VPCID instance in the VMID array has an associated array of data blobs, wherein each array of data blobs stores state and data information for its associated VPCID instance, wherein each array of data blobs includes at least one configuration register, and where the at least one configuration

register is used for configuring VPCID features. Langendorf and Levinthal, either taken alone or in combination, do not teach or suggest these features, as claimed. For at least this reason, independent claims 1, 8 and 15 and their respective dependent claims are distinguishable from Langendorf and Levinthal, either taken alone or in combination. Accordingly, Applicants request that the rejections under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**INVITATION FOR A TELEPHONE INTERVIEW**

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

**CONCLUSION**

Applicants respectfully submit that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Thus, Applicants believe that the present application is in condition for allowance, and as such, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

Intel Corporation

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